REMARKS / DISCUSSION OF ISSUES

Claims 1-36 are pending in the application. No amendments are made to the claim, and therefore, no listing of the claims is required under Rule 121.

Rejections under 35 U.S.C. § 102

Claims 1-36 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Marian, Jr., et al.* (US Patent 6,162,175).

Claims 1,7,9,11-15 and 36 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Seward, et al.*[1] (US Patent 6,059,731).

a. Rejections are improper

Only the independent claims are specifically addressed in a reasonable manner in the Office Action. All dependent claims, which comprises nearly eight pages of text, are rejected vaguely with reference to columns and Figs. of the applied art, and with no correlation to the specific claims being provided. Thus, the rejection fails to comply with MPEP § 706, which states, in part:

> The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity (emphasis added).

The rejection likewise fails to comply with 37 CFR § 1.104(c)(2), which provides:

> In rejecting claims for want of novelty or for obviousness,

[1] Applicants note that the Office Action cites 'Steward, et al.' and provides no explicit reference number. It appears that the only reference on record similar in named first inventor is Seward, et al. Thus, this response is based on this presumption. If there is a reference to 'Steward, et al. that is being relied upon in this rejection, unambiguous reference thereto should be made in a further non-final action.

> the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified (emphasis added).

Respectfully, Applicants have paid the fees required for full and complete examination of all claims pending in the application, not just the independent claims. As of the review of the applied art and the present Office Action, Applicants are placed in the precarious position of having to attempt to determine how the referenced portions may relate to specific claims. This renders the rejection improper. If further rejections are made based on the presently applied art, Applicants respectfully submit that they are entitled to full and complete consideration in a non-final office action.

b. Claims are patentable over the applied art

At the outset Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen,* 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.,* 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a

person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

i. Claims 1, 32 and 36

Claim 1 recites:

An ultrasound imaging probe comprising:

a first ultrasound imaging transducer array subassembly ***comprising a flat matrix sensor assembly and having a first image field of view****; and a second ultrasound imaging transducer array subassembly having a second image field of view, the second ultrasound imaging transducer array subassembly being disposed at an angle greater than or equal to ninety degrees and less than or equal to one hundred eighty degrees ($90^o \leq angle \leq 180^o$) with respect to the first ultrasound imaging transducer array subassembly, wherein the second image field of view includes a portion thereof that is different from the first image field of view and wherein the first image field of view and the second image field of view together provide a combined image field of view.*

Claims 32 and 36, directed to an ultrasound diagnostic imaging system, and a method of fabricating an ultrasound imaging probe comprising, respectively, include features similar to those of claim 1 discussed presently.

Applicants respectfully submit that not only does the Office Action not clearly articulate with clarity and specificity where the applied art (i.e., either *Marian, Jr., et al.* or *Seward, et al.*) discloses *a first ultrasound imaging transducer array subassembly comprising* **a flat matric sensor assembly degrees**, the applied art fails to disclose at least this feature. Accordingly, the applied art fails to disclose at least one feature of claims 1, 32 and 36. Thus, a *prima facie* case of anticipation has not been established and claims 1, 32 and 36 are patentable over the applied art.

Moreover, claims 2-6, 7-31 and 33-35, which depend from claims 1 and 32, respectively, are patentable for at least the same reasons and in view of their additionally recited subject matter.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
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/William S. Francos/

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